Date: March 28, 2017

To: The Honorable Carol Alvorez, Chair
Texas House Urban Affairs Committee and her Esteemed Colleagues

From: Philip Taylor, Licensed Professional Counselor

Subject: HB387

I urge the Committee to reject HB387 because there is ample evidence that banishment legislation is an ineffective way to deal with persons on the Sex Offender Registry (registrants) and causes unnecessary harm to children and communities. Let me unpack that claim:

1. Exclusion zones for registrants do not add an increment of safety to communities that impose them. As part of my testimony in a Federal lawsuit against such zones, I provided more than 50 empirical studies and white papers by states, professional associations and agencies showing how zones are counterproductive and poor policy decisions.
2. We can predict with reasonable certainty that the children of registrants will share the stigma and social disadvantages that come with self-identifying as a pariah and being pushed to the margins of the community. One would be uncommonly callous to not care about their plight.
3. The community incurs increased numbers of homeless registrants and their children when access to affordable housing is denied.
4. When governmental bodies adopt policies based on patently false rationales, they perpetuate harmful superstitions. Sowing irrational fear never contributes to a safe, stable society.

In talking with staff members in various offices, I have heard feedback suggesting that arguing the demerits of HB387 is not as useful as providing some primary sources that set forth empirically and historically derived seasons to oppose banishment bills. I have attached two articles as a small contribution to that effort.

The superstition that people convicted of any sex offense invariably re-offend was given legal precedence by Justice Kennedy in his McKune v. Lile (2002) decision which was based on invisibly thin empirical evidence. His opinion that sex offenders pose a recidivism risk that is "frightening and high" – upwards of 80% - became the controlling doctrine guiding subsequent constitutional challenges to public registration and human zoning. That finding of fact has been the basis for what has been described as the "sex offender exemptions to the Constitution," where 1st Amendment, 4th Amendment, 5th Amendment, 8th Amendment, and 14th Amendment issues are concerned.

Unfortunately, the trial record did not have well-sourced information on the actual re-offense rate among sex offenders. The DOJ had published a treatment guide which cited a quote from an article in Psychology Today to the effect that sex offenders recidivate at

a high rate around 80%. The State referenced the DOJ manual as authoritative, although its source was an off-the-cuff comment by a practitioner with an interest in selling treatment services, quoted in a newsstand magazine. As Ellman & Ellman point out in their article tracing this history, strong evidence contradicting that reference was available at the time and has gotten stronger and more compelling since. They unpack the sequence of events and consequences of those flawed opinions and conclude:

> "Unfortunately, the Supreme Court has fed the fear. It's become the "go to" source that courts and politicians rely upon for "facts" about sex offender recidivism rates that aren't true. Its endorsement has transformed random opinions by self-interested non-experts into definitive studies offered to justify law and policy, while real studies by real scientists go unnoticed. The Court's casual approach to the facts of sex offender re-offense rates is far more frightening than the rates themselves, and it's high time for correction. Perhaps there's now hope it may soon happen.

For your convenience, I have included a one-page summary of my survey of sex offense recidivism rates reported by 15 states and the DOJ. The average rate for the states is around 1.2% per year. As recidivism rates go, that is minuscule. It is this kind of empirical evidence I ask the Committee to consider in evaluating HB387.

The Calkins et al article (2015) examines the question of where sex crimes occur. There is an abundance of research and policy papers advising against residency restrictions, which is the most common type of ordinance. HB387, whoever, is a presence restriction bill and casts a wider net. Therefore, I am presenting a paper that looks at the frequency with which sex crimes occur within restricted areas, both by first-time offenders and by re-offenders.

A key assumption behind human zoning is that registrants are inexorably drawn to places with high densities of children for the purpose of committing crimes against strangers. If that were true, we would expect to see first-time offenders offending in those zones at a high rate – we don't. If the convicted offender were drawn to those areas, we would expect to see repeat offenses happening there frequently – we don't.

It is rare for a child to be assaulted by someone they do not know. Registrants who reoffend target strangers even more rarely. Of the 1468 cases Calkins et al examined, only 7 took place against strangers in a restricted area (.5%) and only 2 of those (.1%) were committed by someone on the registry. There is no reason to think that that .1% of offenses could have been prevented by the existence of a zone. For this we fan the flames of paranoia, spend scarce resources, and disrupt the lives of thousands of registrants and their families?!

Presence and residence restrictions are solutions in search of a problem. If the legal bar for abridging someone's rights is to cite a "compelling community interest," we must agree that these new segregation schemes fail the test; there are no credible, compelling community interests at stake. Please reject HB387.

"FRIGHTENING AND HIGH": THE SUPREME COURT'S CRUCIAL MISTAKE ABOUT SEX CRIME STATISTICS

*Ira Mark Ellman**
*Tara Ellman***

> It isn't what we don't know that gives us trouble, it's what we know that ain't so.[1]

In *McKune v. Lile*, 536 U.S. 24, 33 (2002), the Supreme Court reversed two lower courts in rejecting, 5-4, Robert Lile's claim that Kansas violated his 5th Amendment rights by punishing him for refusing to complete a form detailing all his prior sexual activities, including any that might constitute an uncharged criminal offense for which he could then be prosecuted. The form was part of a prison therapy program that employed a polygraph examination to verify the accuracy and completeness of the sexual history which program participants were required to reveal. Lile had earned placement in a lower-security prison unit, but the automatic punishment imposed on him for declining to complete this form included permanent transfer to a higher security unit where he would live among the most dangerous inmates, and lose significant prison privileges, including the right to earn the minimum wage for his prison work and send his earnings to his family.

Justice Kennedy, justifying this conclusion for the four-person plurality, wrote that the recidivism rate "of untreated offenders has been estimated to be as high as 80%." The treatment program, he explained, "gives inmates a basis . . . to identify the traits that cause such a frightening and high risk of

* Charles J. Merriam Distinguished Professor of Law, Affiliate Professor of Psychology, Arizona State University; Distinguished Affiliated Scholar, Center for the Study of Law and Society, University of California, Berkeley.

** Consultant, Tempe, Arizona.

1. Often attributed to Will Rogers or to Mark Twain, but neither attribution appears to be documented. *See* Bob Kalsey, *"It Ain't What You Don't Know"*, WELL, NOW, BOB (July 1, 2008), http://wellnowbob.blogspot.com.

recidivism." The following year in *Smith v. Doe*, 538 U.S. 84 (2003) the Court upheld Alaska's application, to those convicted before its enactment, of a law identifying all sex offenders on a public registry. It reasoned that the *ex post facto* clause was not violated because registration is not punishment, but merely a civil measure reasonably designed to protect public safety. Now writing for a majority, Justice Kennedy's *Smith* opinion recalled his earlier language in *McKune*:

> Alaska could conclude that a conviction for a sex offense provides evidence of substantial risk of recidivism. The legislature's findings are consistent with grave concerns over the high rate of recidivism among convicted sex offenders and their dangerousness as a class. The risk of recidivism posed by sex offenders is "frightening and high." McKune v. Lile, 536 U. S. 24, 34 (2002).

This "frightening and high" recidivism rate of "sex offenders" (more on the term "sex offender" later) is a commonly offered justification for the increasingly harsh set of post-release collateral consequences imposed on them, nearly all triggered by their inclusion in sex offender registries. An example is the voters' pamphlet argument for the California initiative known as Jessica's Law, which imposed extraordinary residency restrictions on sex offenders and also required them to wear location-monitoring ankle bracelets for life. These extreme measures were justified, the argument explained, by sex offenders' "very high recidivism rates."[2]

Residency restrictions like those in Jessica's Law are severe enough to exclude registrants from most available housing in their community, preventing them from living with their families.[3] Separate "presence restrictions" in many communities bar registrants from using public libraries or enjoying public parks with their families.[4] Their registration formally excludes them from many jobs,[5] and as a practical

---

2. This was noted in People v. Mosley, 60 Cal. 4th 1044, 1061 n.10, 344 P.3d 788, 185 Cal. Rptr. 3d 251 (2015). For the actual voters' pamphlet summarizing the provisions, providing arguments for and against, and containing the law's full text, see http://www.voterguide.sos.ca.gov/past/2006/general/props/prop83/prop83.htm (last visited Aug. 4, 2015).

3. For specifics, see the data described in *In re* Taylor, 60 Cal. 4th 1019, 343 P.3d 867, 184 Cal. Rptr. 3d 682 (2015). Russell Banks wrote a novel, *Lost Memory of Skin* (2011), based on the camp of sex offenders who lived under the Julia Little Causeway in Miami, where residency restrictions left them no other choices. *See* Charles McGrath, *A Novelist Bypasses the Middle to Seek Out the Margins*, N.Y. TIMES, Oct. 14, 2011, at C1.

4. *See, e.g.*, Amy Meek, *Street Vendors, Taxicabs, and Exclusion Zones: The Impact of Collateral Consequences of Criminal Convictions at the Local Level*, 75 OHIO ST. L.J. 1, 23–24 (2014).

5. *See, e.g.*, Matt Mellema, *Not Wanted: Sex Offenders*, SLATE MAGAZINE (Aug. 14, 2014),

matter keeps them from many more. The registration requirement typically extends for decades, and in some states, such as California, for life, with no path off the registry for most registrants. Challenges to the registration requirement, and the consequences that flow from it, are usually turned back by courts and politicians who often quote Justice Kennedy's dramatic language describing the recidivism rate for sex offenders as "frightening and high." A Lexis search of legal materials found that phrase in 91 judicial opinions, as well as briefs in 101 cases.

Two examples from state supreme courts give the flavor of these decisions. The Iowa Supreme Court, while expressing sympathy for the "difficulties" that state's residency restrictions created for the "offender and his family, who lack financial resources,"[6] still rejected his constitutional challenge to them because "the risk of recidivism posed by sex offenders is 'frightening and high", as "numerous authorities have acknowledged."[7] Despite this reference to "numerous authorities," only Justice Kennedy's language in *Smith* was cited. A Kansas law mandating *lifetime* post-release supervision of all sex offenders applied to a 25-year old man convicted of consensual intercourse with a fifteen year old girl who testified she had "encouraged" his behavior.[8] A Corrections Department psychologist testified that he had accepted responsibility for his actions, displayed an "appropriate level of remorse," and was at low risk to re-offend.[9] The Kansas Supreme Court nonetheless rejected his challenge to the statutes' mandated lifetime supervision, citing *Smith*, and explaining the legislature could reasonably have "grave concerns over the high rate of recidivism among convicted sex offenders" whose risk of recidivism "is frightening and high."[10]

Given the impact of the language in *Smith* and *McKune*, it seems important to know whether it's true–whether those convicted of sex offenses indeed re-offend at an 80% rate that is both "frightening and high," and much greater than the rate for other offenders.

McKune provides a single citation to support its statement "that the recidivism rate of untreated offenders has been estimated to be as high as 80%": the U.S. Dept. of Justice, Nat. Institute of Corrections, *A Practitioner's Guide to Treating the Incarcerated Male Sex Offender xiii* (1988). Justice Kennedy likely found that reference in the amicus

http://www.slate.com/articles/news_and_politics/jurisprudence/2014/08/several_states_ban_people_in_the_sex_offender_registry_from_a_bizarre_list.html.

6. State v. Seering, 701 N.W.2d 655, 664 (Iowa 2005).
7. *Id.* at 665.
8. State v. Mossman, 281 P.3d 153, 160 (Kan. 2012).
9. *Id.* at 157, 161.
10. *Id.* at 160.

brief supporting Kansas filed by the Solicitor General, then Ted Olson, as the SG's brief also cites it for the claim that sex offenders have this astonishingly high recidivism rate. This Practitioner's Guide[11] itself provides but one source for the claim, an article published in 1986 in *Psychology Today*, a mass market magazine aimed at a lay audience.[12] That article has this sentence: "Most untreated sex offenders released from prison go on to commit more offenses—indeed, as many as 80% do."[13] But the sentence is a bare assertion: the article contains no supporting reference for it. Nor does its author appear to have the scientific credentials that would qualify him to testify at trial as an expert on recidivism.[14] He is a counselor, not a scholar of sex crimes or re-offense rates, and the cited article is not about recidivism statistics. It's about a counseling program for sex offenders he then ran in an Oregon prison. His unsupported assertion about the recidivism rate for untreated sex offenders was offered to contrast with his equally unsupported assertion about the lower recidivism rate for those who complete his program.

---

11. While the Practitioner's Guide is a publication of the Justice Department, the Preface notes that its contents present the views "of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice," a distinction lost to readers of the Court's opinion.

12. Robert E. Freeman-Longo & R. Wall, *Changing a Lifetime of Sexual Crime*, PSYCHOLOGY TODAY, Mar. 1986, at 58. Freeman-Longo is the author described in the rest of this paragraph. Wall, the second author, is identified in the article as a therapist in a treatment program Freeman-Longo directed; no further information about him came up in a Google search.

13. *Id.* at 64.

14. The modern understanding of the relevant rule on expert testimony, Federal Rules of Evidence 702, is explained in Daubert v. Merrell Dow Pharmaceuticals, 509 U.S. 579 (1993), and the cases following upon it. The *Psychology Today* article does not indicate the author's training, but a Google search found that his only professional degree is a Master of Rehabilitation Counseling. His online CV indicates no academic or research appointments at any institution, but does list him as the second author in a 1982 article in the journal *Crime and Delinquency*: *Undetected Recidivism Among Rapists and Child Molesters*, 28 CRIME AND DELINQ. 450. The article reported what some incarcerated men said when asked if they had previously committed a sexual assault. The sample was men imprisoned in a maximum security Connecticut institution, or committed to a secured Florida treatment center for sexual offenders, who agreed to answer the questions. Most already had multiple convictions for rape or child molestation. The answers given by this small convenience sample of high-risk offenders tells one very little about the recidivism rate of sex offenders in general, even assuming the answers were truthful and accurate. Indeed, perhaps ironically, given the use the Court made of his statement, the author has elsewhere expressed the view that current registration laws "may do more harm than good" because, among other things, they apply to many people who are low-risk and often burden efforts at rehabilitation. Robert E. Freeman-Longo, *Revisiting Megan's Law and Sex Offender Registration: Prevention or Problem*, *in* SEXUAL VIOLENCE: POLICIES, PRACTICES, AND CHALLENGES IN THE UNITED STATES AND CANADA (James Hodgson & Debra Kelley, eds., 2001). It appears the author has in recent years moved from traditional counselling to providing biofeedback services under the name Serendipity Healing Arts; *see* SERENDIPITY HEALING ARTS, http://roblongo.com/index.php (last visited Aug. 26, 2015).

So the evidence for *McKune*'s claim that offenders have high re-offense rates (and the effectiveness of counseling programs in reducing it) was just the unsupported assertion of someone without research expertise who made his living selling such counseling programs to prisons.[15]

The Solicitor General's brief in *Smith* is also the likely source of a second influential phrase about sex offenders. The brief frames the question before the Court with this opening statement:

> Sex offenders exact a uniquely severe and unremitting toll on the Nation and its citizens for three basic reasons: "[t]hey are the least likely to be cured"; "[t]hey are the most likely to reoffend"; and "[t]hey prey on the most innocent members of our society." United States Dep't of Justice, Bureau of Justice Statistics (BJS), National Conf. on Sex Offender Registries (National Conf.) 93 (Apr. 1998).

The *Smith* opinion did not quote this language, but others have. One example is the preamble to California's Jessica's Law, which attributes the quoted language to an otherwise unidentified "1998 report by the U.S. Department of Justice."[16] The California Supreme Court's citation attributed the same language to "a report by the United States Department of Justice."[17] The language has also

15. The Solicitor General was complicit in urging the Court toward this conclusion with the argument that "[t]he absence of ready and reasonable alternatives for reducing recidivism among convicted sexual offenders bolsters the constitutionality of [Kansas's Sexual Abuse Treatment Program]." Amicus Brief of the United States at 24, McKune v. Lile, 536 N.W.2d 24 (2002) (No. 00-1187).

16. The statement was in the voter's pamphlet explanation of the law. *See* People v. Aguon, No. D053875, 2009 Cal. App. Unpub. LEXIS 9836 at *37, 39 (Cal. Ct. App. filed Dec. 14, 2009). The initiative made changes to various provisions of the California law; the key changes are summarized in People v. Mosley, 603 Cal. 4th 1044, 1063-64, 344 P.3d 788, 185 Cal. Rptr. 3d 251 (2015). There is some confusion about the law's actual effect. The residency restrictions have historically been applied to those on parole from a state sex offense, but not to other registrants, but the language is broader and in *Mosley* the California Supreme Court recently declined to decide its scope. In a companion case, the California Supreme Court found the residency restrictions unconstitutional as applied to parolees in San Diego County, *In re* Taylor, 60 Cal. 4th 1019, 343 P.3d 867, 184 Cal. Rptr. 3d 682 (2015). Jessica's Law also requires all registrants to wear GPS devices so that their whereabouts can be continuously monitored by state authorities. The scope of this requirement has not been contested, but at the moment California enforces it against current parolees only.

17. The California opinion, in rejecting an offender's claim that he was improperly placed on the registry and made potentially subject to the residency restrictions, explains the residency restrictions as "relatively modern attempts to address, by means short of secure confinement, the persistent problem of recidivism among sex offenders," and then in footnote 10 quotes the initiative language, noting that it "[relies] on a report by the United States Department of Justice." People v. Mosley, 60 Cal. 4th 1044, 344 P.3d 788, 185 Cal. Rptr. 3d 251 (2015).

appeared in several local ordinances in the Midwest.[18] Yet the statement is rather odd. What does it mean to say that sex offenders are "the least likely to be cured?" Least likely to be cured of what? Of the inclination to commit sex offenses? In that case, who's more likely to be cured? People who don't have that inclination in the first place? It's hard to imagine any scientist making such an incoherent statement, and a search for the referenced "Justice Department Report" reveals that none did. The "report" is merely a collection of speeches given at a 1998 conference of advocates for sex offender registries. The collection's cover sheet disavows any Justice Department endorsement of its contents.[19] The "least likely" phrase is taken from a speech in this collection given by a politician from Plano, Texas, who never claimed any scientific basis for it. Indeed, she did not even claim it was true. What she actually said was that it is a statement she likes to make.[20] The Solicitor General's representation of this statement as a Justice Department conclusion about the nature of sex offenders was at best irresponsible.

So what *is* the re-offense rate for those convicted of a sex offense? One cannot calculate it without first defining "re-offense," without specifying the time period to employ, and without considering whether one needs to distinguish among different groups of offenders said to have committed a "sex offense." We consider these points in turn.

The right definition of re-offense depends on what we want to know: is it the proportion of released offenders who commit a crime of any kind, or a serious crime of any kind, or a sex crime (of any degree)? If the purpose of the sex offender registry the Court addressed in *Smith*

18. The language is quoted in several laws in Wisconsin and Michigan. *See* Tamara Rice Lave, The Iconic Child Molester: What We Believe and Why We Believe It 55–56 (Apr. 15, 2008) (unpublished manuscript), *available at* http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1118554.

19. "Contents of this document do not necessarily reflect the views or policies of the Bureau of Justice Statistics or the U.S. Department of Justice." Bureau of Justice Statistics, National Conference on Sex Offender Registries, Proceedings of a BJS/SEARCH Conference, April 1998, NCJ-168965, at p. ii.

20. Her precise words, as set forth in the conference proceedings: "Sex offenders are a very unique type of criminal. I like to say they have three very unique characteristics: They are the least likely to be cured; they are the most likely to reoffend; and they prey on the most innocent members of our society." *Id.* at pp. 92–93. The politician was Texas state senator Florence Shapiro. Shapiro was a schoolteacher. When she retired from the Texas State Senate in 2013 she was quoted as saying "her proudest achievement came in 1995 when she introduced a set of bills called Ashley's Laws, which are designed to protect children from sexual predators." Matthew Watkins, *Retiring Plano Legislator Florence Shapiro Plans To Continue Community Work*, THE DALLAS MORNING NEWS (Jan. 5, 2013), http://www.dallasnews.com/news/community-news/collin-county/headlines/20130105-retiring-plano-legislator-plans-to-continue-community-work.ece. A researcher who asked Shapiro in 2007 for the basis of her "least likely/most likely" statement was promised an answer by her staff, but never received one. Lave, *supra* note 18 at 55.

is to aid the police in investigating sex offenses, or warn the public about persons thought likely to commit them, then we want to know the rate at which those convicted of a sex offense commit another one. That's quite different than the rate at which they commit any act that returns them to prison. The California Corrections Department recently examined cases of sex offender registrants who are returned to prison, and found that in 92% of the cases the reason was a parole violation, which is generally something that is not a crime for anyone who is not on parole—things like going to a bar or visiting a friend who's also an ex-felon. Less than 1% of those re-incarcerated had committed a new sex offense.[21]

The time period we ask about of course also matters: As one lengthens the follow-up period, one would expect to find more re-offenses. So the most cautious measure would ask whether an offender *ever* commits another sex offense. But answering that question would require following offenders until their death. Of course, a study limited to deceased offenders would necessarily exclude most released in recent decades. Long-term follow-up studies are available, however, and a recent meta-analysis by a leading scholar in the area, Karl Hanson, combines the data from 21 studies that followed offenders for an average of 8.2 years, and for as long as 31.[22] Nearly 8,000 offenders were followed, overall. The use of a meta-analysis to combine the data from all these long-term studies provides more confident projections of long-term re-offense rates. Sixteen of the 21 studies were done on offenders in other western countries (most often, Canada) where sentences are typically shorter than in the U.S., and released offenders are not subject to American-style offender registries.[23] The 21 studies included in this meta-analysis examined different populations of offenders; one might expect the modal offender in some studies to present a higher risk of re-offense than the modal offender in others.

---

21. CALIF. DEPT. OF CORRECTIONS AND REHABILITATION, 2014 OUTCOME EVALUATION REPORT, 30 (July 2015), *available at* http://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/2014_Outcome_Evaluation_Report_7-6-2015.pdf. The exact rate was 0.8%. Another 2% of the cases involved violation of the sex offender registry rules, such as failing to update registry information on schedule, while the remaining 5.3% of those returned to prison committed a new offense that was not a sex crime.

22. R. Karl Hanson, Andrew J. R. Harris, Leslie Helmus, and David Thornton, *High-Risk Sex Offenders May Not Be High Risk Forever*, 29 (15) J. OF INTERPERSONAL VIOLENCE 2792, 2792–813 (2014). The median year of release was 1996; the release year ranged from 1957 to 2007.

23. Ten of the 21 studies involved Canadian offenders. For a comparison of Canadian and American laws, discussing why Canada adopted a much less aggressive approach to sex offenders, see Michael Petrunik, *The Hare and Tortoise: Dangerousness and Sex Offender Policy in the United States and Canada*, 45 CANADIAN J. CRIMINOLOGY & CRIM. JUST. 43 (2003).

But having such a variety of offenders is another advantage. The authors were able to assess offender risk levels using a well-established actuarial measure,[24] the Static 99-R,[25] to classify each of the individual offenders in all 21 studies as low, medium, or high risk.

Consider first the *high-risk* offenders in this study. Nearly 20% of them committed[26] a new sex offense within five years of release, and 32% (an additional 12%) did so within 15 years. But high-risk offenders who hadn't committed a new sex offense within fifteen years of their release rarely did later. Indeed, *none* of the high-risk offenders who were offense-free after 16 years committed a sex offense thereafter.[27] This point is important because most people are typically put on registries for decades, and often for life. Being offense-free for twenty years, or more, will not get them removed even though this history tells us the chance of their committing a new offense is very small. Some context can help here. One recent study found that about 3% of felons with *no* known history of sex offenses commit one within

---

24. In clinical judgments a professional combines or processes information about the person in his or her head, rendering an intuitive assessment said to be based on training and experience. Actuarial judgments, by contrast, are based entirely on empirically established relations between data and the condition or event of interest. The relationship can be set out in a table or formula. A life insurance agent uses the actuarial method when he assesses life expectancy, or the likelihood of causing an automobile accident, by entering data into a formula, or consulting tables and charts that relate the data to the event to be predicted. The nature of the actuarial method thus encourages predictions based on objective assessable facts that can be summarized numerically. The agent employing a clinical method might look at the same data, but might consider other factors as well, and would in any event assess risk intuitively rather than by reference to a formula or table. Robyn M. Dawes, David Faust, and Paul E. Meehl, *Clinical versus Actuarial Judgment, in* HEURISTICS AND BIASES: THE PSYCHOLOGY OF INTUITIVE JUDGMENT 716, 716 (Thomas Gilovich, Dale Griffin & Daniel Kahneman, eds., 2002). The psychological literature has repeatedly shown that actuarial judgments yield better predictions of future behavior than do clinical judgments. *Id.* A recent Canadian study showed that general rule applied (as one would expect) in the context of predicting criminal recidivism in general, and sexual re-offense in particular. The study allowed assessors to use their professional judgment to adjust the risk level score obtained from a commonly used actuarial measure, and compared the predictive accuracy of their adjusted rating to the unadjusted actuarial score. The assessor adjustments made the re-offense predictions *less* accurate, largely because they mistakenly predicted a higher chance of re-offense than was in fact the case. J. Stephen Wormith, Sarah Hogg, & Lina Guzzo, *The Predictive Validity of a General Risk/Needs Assessment Inventory on Sexual Offender Recidivism and an Exploration of the Professional Override*, 39 CRIM. JUST. AND BEHAV. 1511, 1529–32 (2012).

25. *See* R. Karl Hanson, Alyson Lunetta, Amy Phenix, Janet Neeley & Doug Epperson, *The Field Validity of Static-99/R Sex Offender Risk Assessment Tool in California*, 1 J. OF THREAT ASSESSMENT AND MGMT. 102 (2014).

26. What constitutes having "committed" a new offense depends on the criterion used in the individual study. Eleven of the 21 studies logged a new offense for any offender who was charged; the other ten required a new conviction. Hanson et al., *supra* note 22.

27. There were 126 high-risk offenders followed after 17 years who had not yet re-offended; 61 of them were followed for at least five additional years and none re-offended. Hanson et al., *supra* note 25, at n.12.

4.5 years of their release.[28] Of course, *they* are not on the sex offender registry during their release period, even though the chance of their committing a sex offense is higher than the chance of a new sex offense by a high-risk sex offender who has been offense-free for fifteen years.

Indeed, it's mistaken to think of anyone who's been offense-free for fifteen years as high-risk. At the time of their release we cannot tell which high-risk offenders will be among the two-thirds who won't re-offend, but that is revealed over time. Those who haven't re-offended after fifteen years are not high-risk for doing so, regardless of their offense or their initial risk assessment.[29] One cannot accurately assess an individual's risk of committing an offense in the future if one ignores what they have done—and *not* done—for the last fifteen, twenty, or

28. Wormith et al., *supra* note 24. This study followed 1,905 sex offenders, and 24,545 nonsexual offenders, who were released in Ontario, Canada, during 2004. The mean follow-up period for both groups was 4.5 years, with a standard deviation of 106 days. 3.73 percent of the sex offenders (97% male), committed another sex offense during the follow-up period; 3.17 percent of the nonsexual offenders (80.5% male) did so. *See* Wormith et al., *supra* note 23, at 1521 tbl. 1. The difference between these two percentages was not statistically significant. There was also no difference between the groups in rate of non-sexual violent offenses. *Id.*

29. Another statement in *Smith v. Doe* ("Empirical research on child molesters, for instance, has shown that '[c]ontrary to conventional wisdom, most reoffenses do not occur within the first several years after release, but may occur as late as 20 years following release,'" 538 U.S. at 104) is sometimes cited for the claim that sex offenders remain at high risk of re-offending for life. Here *Smith* cites Robert A. Prentky, Raymond A. Knight, and Austin F.S. Lee, *Child Sexual Molestation: Research Issues*, National Institute of Justice Research Report, NCJ 163390 (1997). But the more complete published version of this study, Robert A. Prentky, Austin E. S. Lee, Raymond A. Knight, and David Cerce, *Recidivism Rates Among Child Molesters and Rapists: A Methodological Analysis*, 21 L. & HUM. BEHAV. 635 (1997), reveals why it is inapt. The study's offender sample consisted of rapists and child molesters released from the Massachusetts Treatment Center for Sexually Dangerous Persons, established in 1959 "for the purpose of evaluating and treating individuals convicted of repetitive and/or aggressive sexual offenses." *Id.* at 637. As Prentky and his coauthors themselves observe, "Sexual offenders sampled from general criminal populations, from offenders committed to a state hospital, and from a maximum security psychiatric hospital, are likely to differ in ways that would affect their recidivism rates and make cross-sample comparisons difficult." *Id.* at 636. The data in this older study are also difficult to interpret because we aren't given the number of offenders followed for any given length of time. We are told, however, that the total sample of offenders convicted of child molestation was just 115. Clearly, the subset they were able to follow for ten or fifteen years was much smaller, but we do not know how much smaller because they do not provide that number. We do know that the re-offense rate from a sample of just ten or twenty offenders would be too small to be meaningful. By contrast, the 2014 Hanson study described in the text provides complete information on the 7,740 offenders it followed. Prentky himself (with coauthors) recently reviewed studies on the effectiveness of offender treatment programs, in a book evaluating research on sex offender recidivism, and found treatment effects were small or absent. But they explain that one reason why treatment does not reduce re-offense rates very much is that the rates for control groups of *untreated* offenders is already quite low. Indeed, they found rates that were similar to those found in the Hanson study. ROBERT PRENTKY, HOWARD BARBAREE, AND ERIC JANUS, SEXUAL PREDATORS: SOCIETY, RISK, AND THE LAW 243-244 (2015).

twenty-five years in the past. Yet that is exactly what sex offender registries do for large groups of people listed on them.

And what about those who were *not* classified high-risk in the first place? About 97.5% of the low-risk offenders were offense-free after five years; about 95% were still offense-free after 15 years.[30] Thus, a simple actuarial test identifies a large group of sex offenders whom we know are, from the outset, less likely to commit a sex offense after release than are released felons with no sex offense history (who of course are not on the registry). What about the chance of a sex offender committing some other serious crime? Other studies find that released sex offenders are *less* likely to commit a new felony of any kind, after release, than are other released felons.[31]

People may assume that most registrants committed violent rapes or molested children, but they would be wrong. State laws require registration of a teenager who had consensual sex with another teenager, of people who possessed erotic images of anyone under 18 but had no history of any contact offense, and even, depending on the state, someone convicted of public urination.[32] A Justice Department study concluded that more than a quarter of all sex offenders committed their offense when they were themselves a minor.[33] If the registry's main purpose is to let us monitor and warn people about those who committed violent, coercive, or exploitative contact sex offenses, we dilute its potential usefulness when we fill it up with people who never did any of those things.

Or, people who once did but are very unlikely to do so again because it's been many years since they committed any crime. The respondents in *Smith* who challenged the Alaska registry were classified as "aggravated" sex offenders, required under Alaska law to register *four times a year for life*, because they had been pled *nolo*

30. These figures are all taken from Table 2 of Hanson et al., *supra* note 22. The high risk group was 26% of the entire sample of 7,740 offenders; the low risk group was 11.5%.

31. *Id.* at p. 2. While 43% of released sex offenders were rearrested for some crime within three years of release, 68% of the released non-sex offenders were, and a higher proportion of them were charged with a felony (84%) than was true of the rearrested sex offenders (75%).

32. Chanakya Sethi, *The Ridiculous Laws That Put People on the Sex Offender List*, SLATE MAGAZINE (Aug. 12, 2014, 11:41 AM), http://www.slate.com/articles/news_and_politics/jurisprudence/2014/08/mapped_sex_offender_registry_laws_on_statutory_rape_public_urination_and.html.

33. David Finkelhor, Richard Ormrod & Mark Chaffin, *Juveniles Who Commit Sex Offenses Against Minors*, OFF. OF JUV. JUST. & DELINQ. PREVENTION, JUV. JUST. BULLETIN 1, 1 (Dec. 2009), https://www.ncjrs.gov/pdffiles1/ojjdp/227763.pdf. Juveniles account for 36% of all sex offenders with juvenile victims. *Id.*

contendere in 1984 to sexual contact with minors.[34] They served their sentences and were released in 1990. One had completed a two-year post-release treatment program. The other had remarried after release and been granted custody of his daughter, the court having concluded he had been rehabilitated. (Psychiatric evaluations found he had "a very low risk of re-offending" and was "not a pedophile.") Neither had re-offended in the twelve years since release, a fact that alone predicts a re-offense rate below 5%.[35] Alaska posts the address and place of employment of all registrants for public viewing in print or electronic form, so that it can be used by "any person" and "for any purpose."[36] Alaska's registry rules are milder than some. California's and Florida's registries, for example, make no distinction among sex offenses; lifetime registration is required for all. A 14-year old in Florida who had consensual intimate contact with his 13-year old girlfriend would have to register for life.[37]

The Pennsylvania Supreme Court has recently held that treating everyone convicted of a sex offense as a likely re-offender, when many are not, violates the constitutional guarantees of Due Process. In *J.B.*[38] it considered changes to the Pennsylvania registry law that automatically placed juveniles on the offender registry for 25 years if they committed a rape or "aggravated indecent assault" when over 14.[39] The rationale for the registry law was the legislative finding that "Sexual offenders pose a high risk of committing additional sexual offenses and protection of the public from this type of offender is a paramount governmental interest." The court objected that the affected juveniles were effectively subject to an "irrebuttable presumption" that they posed a high risk of re-offense even though the presumption is in fact "not universally true."

The effect of registration was one key to the court's holding that this misclassification has constitutional significance. The plaintiffs had argued that registration "impedes a child's pathway to a normal productive life through continuously reinforcing the unlikely supposition that the youth has 'a high risk of committing additional sexual offenses,'" creating "difficulty obtaining housing, employment,

34. The factual information in this paragraph about the offenders, and the provisions of Alaska law then in effect, is taken from the Ninth Circuit opinion that the Supreme Court reversed. Doe v. Otte, 259 F.3d 979, 990 (9th Cir. 2001).

35. Hanson, et al., *supra* note 22.

36. The Ninth Circuit opinion that the Supreme Court reversed in *Smith*, Doe v. Otte, 259 F.3d 979 (9th Cir. 2001) described Alaska Admin. Code tit. 13, § 09.050(a) (2000) as then containing these provisions.

37. Sethi, *supra* note 32.

38. In the Interest of J.B., 107 A.3d 1 (Pa. 2014).

39. *Id.* at 12.

and schooling" as well as "depression."[40] Imposing these burdens on the plaintiffs unconstitutionally denied them Due Process, the court concluded, because individual offenders were allowed no meaningful opportunity to show the presumption of high risk was factually wrong in their case. Because good *individualized* measures of the likelihood of re-offending are available, the state has no need to employ, and thus endorse, global stereotypes that registered sex offenders are particularly dangerous, when these stereotypes have no basis in fact. Registration requirements "premised upon the presumption that all sexual offenders pose a high risk of recidivating . . . impinge upon juvenile offenders' fundamental right to reputation as protected under the Pennsylvania Constitution."[41]

The California Supreme Court used different labels but a similar logic when it held this year that it was unconstitutionally irrational to automatically subject *every* sex offender parolee in San Diego County to residency restrictions that impeded their rehabilitation and left many of them with no place to live.[42] Once again, the problem with the statute was its application to every sex offender, without regard to their individual circumstances including an individualized assessment of each offender's risk of re-offense. The court noted that parole officers have general supervisory authority over parolees that allows them to impose restrictions on their residence that are reasonably related to the particular parolee's situation. So the court allowed customized restrictions logically connected to the individual offender's situation, but not "one size fits all" restrictions imposed on all offenders.

The logic of these decisions offers hope for a wider judicial rationalization of the rules on sex offender registries and the life restrictions that typically accompany them. To realize that hope, one must apply the principle common to the Pennsylvania and California decisions to a correct understanding of the facts. The principle is that concerns about public safety cannot justify policies that impose serious burdens on entire categories of individuals when many of them actually present little risk, at least when more accurate assessment criteria employing established actuarial measures, and the simple passage of time, could easily be employed instead. The burdens imposed by registration and all the consequences that follows from it demand

40. *Id.* at 33–34.

41. *Id.* at 42–43. The Pennsylvania Supreme Court is not alone in its concern about the effect of registration on juveniles. Two years before, the Ohio Supreme Court held that imposing lifetime registration on juveniles constituted "cruel and unusual punishment". *In re* C.P., 967 N.E.2d 729, 749 (Ohio 2012). Treating required registration as punishment accurately captures its impact on the registrant, and triggers additional constitutional protections, but differs from the position taken by the U.S. Supreme Court in *Smith*.

42. *In re* Taylor, 60 Cal. 4th 1019, 343 P.3d 867, 184 Cal. Rptr. 3d 682 (2015).

justifications grounded on more nuanced risk assessments than those the registration laws currently employ. The simple fact is that the risk level, for nearly everyone on the registry, is nowhere near the "frightening and high" rate assumed by *Smith* and *McKune* and all the later decisions that rely on them.

But while the principles endorsed by these recent opinions offer hope, the Pennsylvania opinion also illustrates the difficulty of getting courts to understand the facts well enough to apply them properly. The court held that the burdens of registration on juveniles could not be justified because of their lower re-offense rate: "While adult sexual offenders have a high likelihood of reoffense, juvenile sexual offenders exhibit low levels of recidivism (between 2–7%), which are indistinguishable from the recidivism rates for non-sexual juvenile offenders, who are not subject to SORNA registration."[43] But one can see that the court's comparison was infected by the very same error it condemned when it compares juveniles to *all* adults, making no distinction among adult registrants. The Hanson study finds the re-offense rate for low and moderate-risk offenders, who probably account for *most* adults on the registry, is within the same 2-7% range the court attributes to juveniles.[44] And of course, the re-offense rate then declines, for all registrants, with each year after release that they remain offense-free. Any state that routinely imposes 25-year registration requirements on adult offenders has a registry full of people who have gone ten or more years with no new offense, for whom the average likelihood of re-offense is well below 7%. The problem is worse in states like California and Florida that put all offenders on the registry for life.

Writing on a different subject entirely, Eula Biss recently observed:

> Risk perception may not be about quantifiable risk so much as it is about immeasurable fear. Our fears are informed by history and economics, by social power and stigma, by myth and nightmares. And as with other strongly held beliefs, our

43. In the Interest of J.B., 107 A.3d at 17. SORNA refers to the Sex Offender Registration and Notification Act, which is Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248). SORNA sets out federal standards for sex offender registration and notification. Pennsylvania was one of seventeen states meeting these requirements; see the compilation at SEX OFFENDER REGISTRATION AND NOTIFICATION ACT, http://www.smart.gov/sorna.htm (last visited Oct. 3, 2015).

44. If one examines the sources the Pennsylvania court relies on for its conclusion that the re-offense rate for juveniles is 2 to 7 percent, one finds that it is a 5-year re-offense rate. Table 2 of the Hanson study shows a 5-year re-offense rate of 2.2% for low-risk sex offenders, and 6.7% for moderate-risk offenders. These two groups together account for 74.2% of Hanson's sample of 7,740 offenders. Hanson, et al., *supra* note 22, at 2802.

> fears are dear to us. When we encounter information that contradicts our beliefs, we tend to doubt the information, not ourselves.[45]

The label "sex offender" triggers fear, and disgust as well. Both responses breed beliefs that do not yield easily to facts. That's why even those politicians now urging criminal justice reforms conspicuously omit mentioning sex offenses when they argue for less punitive policies that would facilitate the offenders' reintegration into civil society.[46] Unfortunately, the Supreme Court has fed the fear. It's become the "go to" source that courts and politicians rely upon for "facts" about sex offender recidivism rates that aren't true. Its endorsement has transformed random opinions by self-interested nonexperts into definitive studies offered to justify law and policy, while real studies by real scientists go unnoticed. The Court's casual approach to the facts of sex offender re-offense rates is far more frightening than the rates themselves, and it's high time for correction. Perhaps there's now hope it may soon happen.

45. EULA BISS, ON IMMUNITY: AN INOCULATION (2014), as quoted in Jerome Groopman, *There's No Way Out of It!*, NEW YORK REVIEW OF BOOKS, Mar. 5, 2015, at 4. Biss (and Groopman) were writing about parents' irrational fears of inoculating their children.

46. *See* Carl Hulse, *Unlikely Cause Unites the Left and the Right: Justice Reform*, N.Y. TIMES, Feb. 19, 2015, at A1.

Sex Offender Low Reoffense Rates

"When actual evidence of sex offender recidivism is examined . . . a huge gap exists between what is assumed and what the data actually show because most sex offenders do not in fact re-offend. Thus there is a galaxy of sexually violent predator laws and an entire branch of Supreme Court jurisprudence that is founded upon a demonstrable urban legend." -- Dr. Tamara Rice Lave, University of Miami School of Law. 2011. "Inevitable recidivism: The origin and centrality of an urban legend," *International Journal of Law and Psychiatry.*

Sexual Recidivism Rates in Various States

STATE	RATE PER YEAR	REPORTED RATE	SOURCE
CA	**1.67%**	5% over 3 yrs.	California Dept. of Corrections and Rehabilitation
AZ	**1.1%**	5.5% over 5 yrs.	Arizona Dept. of Corrections
SC, NJ, MN, FL	**1.03%**	10.3% over 10 yrs.	Levenson & Shields, NIJ Report, 2008-MU-000, J.
IN	**0.77%**	2.3% over 3 yrs.	Indiana Dept. of Corrections
OH	**1.1%**	11% over 10 yrs.	Ohio Dept. of Rehabilitation and Correction, 1989
IA	**1.5%**	6.4% over 4.3 yrs.	Iowa Dept. of Human Rights, Division of Criminal and Juvenile Justice Planning and Statistical Analysis, 2000
ME	**1.3%**	3.8% over 3 yrs.	Maine Statistical Analysis Center, USM. 2010.
WV	**1%**	3% over 3 yrs.	West Virginia Division of Corrections, Office of Research and Planning. "Recidivism: 2001."
NY	**1.2%**	3.5% over 3 yrs.	New York State Division of Probation and Correction Alternatives, NYS DPCA Research Bulletin, 2006.
TN	**1.6%**	4.7% over 3 yrs.	Tennessee Bureau of Investigation, 2007.
TX	**1.34%**	4% over 3 yrs.	State of Texas Criminal Justice Policy Council, 1997.
WA	**0.67%**	2.7% over 4 yrs.	Washington State Institute for Public Policy.
Probation	**1.5%**	4.5% over 3 yrs.	Meloy. 2005.
Juvis as Adults	**0.86%**	4.3% over 5 yrs.	Vandiver. 2006
US	**1.77%**	5.3% over 3 yrs.	"Recidivism of Sex Offenders Released from Prison in 1994," DOJ, Bureau of Justice Statistics, 2003, NCJ 198281.

Average for States 1.19%

"Given that the level of sexual recidivism is lower than commonly believed, discussions of the risk posed by sexual offenders should clearly differentiate between the high public concern about these offences and the relatively low probability of sexual re-offence.". ----- Andrews & Hanson, 2004. "Sex offender Recidivism: A Simple Question," Policy Paper for The Solicitor General of Canada. http://www.publicsafety.gc.ca

International Journal of Comparative and Applied Criminal Justice, 2015
Vol. 39, No. 2, 99–112, http://dx.doi.org/10.1080/01924036.2014.973047

Routledge
Taylor & Francis Group

Where do sex crimes occur? How an examination of sex offense location can inform policy and prevention

Cynthia Calkins*, Niki Colombino, Taiki Matsuura and Elizabeth Jeglic

Department of Psychology, John Jay College of Criminal Justice (CUNY), New York, USA

Although ample evidence demonstrates that sex crime policies focused on "stranger danger" types of offenses that occur in public places do little, if anything, to reduce sex crime, we have much less data with which to inform primary prevention strategies. Using archival data collected from the files of 1468 sex offenders, this study provides empirical data on offense location and how it varies by victim–offender relationship. Though 4% of cases occurred in areas normally restricted by residence restrictions or child safety zone legislation, only 0.05% of the offenses were perpetrated by a stranger against a minor victim in a restricted location. By providing narrative descriptions of the types of sex crimes that occur in child-dense locations, this study provides a richer and more contextualized notion of the nature of risk in public-restricted locations. Given the infrequent occurrence of sex crimes in child-dense locations, it is argued that tertiary sex crime prevention efforts ought to focus on where sex crimes most frequently occur (i.e., in the home and by known perpetrators) and that resources be shifted to primary prevention.

Keywords: sex crimes; sex crime prevention; victim–offender relationship; offense locations; sex crime policies

Introduction

Almost 1 in 5 women and 1 in 71 men in the United States report having been raped at some point in their lives, while 1 in every 2 women and 1 in every 5 men report experiencing other forms of unwanted sexual contact (Black et al., 2011). Though protecting society from sexual violence is a public priority, the manner in which resources are currently allocated does not appear to be driven by evidence. Current sex crime prevention efforts focus on statistically improbable types of offenses, such as the assault or abduction of children by strangers, and divert attention from the broad social climate that allows sexual violence to thrive. As a result, current sex crime prevention efforts have been criticized as being little more than "feel good" measures that serve to stigmatize sex offenders but do little to curb the overall incidence of sexual violence (Ewing, 2011; Janus, 2006; Wright, 2009).

The media, by drawing attention to high-profile "stranger danger" types of cases, has perpetuated stereotypes of sex offenders that are misleading at best and detrimental at worst. While sexual assaults by strangers do occur, evidence suggests that such cases are the exception rather than the rule. In fact, it has been shown that sexual assault is far more likely to come at the hands of a family member or acquaintance than a stranger (e.g., Colombino, Mercado, & Jeglic, 2009; Colombino, Mercado, Levenson, & Jeglic, 2011; Duwe, Donnay, & Tewksbury, 2008; Greenfield, 1997; Smallbone & Wortley, 2000;

*Email: cmercado@jjay.cuny.edu

Snyder, 2000). For example, Colombino et al. (2009) found that 91% of sex offenders in their New Jersey sample knew the victim (i.e., acquainted or family member) prior to victimization. Similarly, 79% of sex offenders offended against a victim they knew in a Minnesota sample (Minnesota Department of Corrections, 2007). Duwe et al. (2008) found that 51% of offenders in their sample of 224 sexual recidivists had established a relationship with the victim through a collateral contact (e.g., someone they met through a friend, acquaintance, or intimate partner) and 14% had a biological relationship with the victim. Despite this, nearly all of the legislative efforts to date have focused on dealing with cases involving strangers.

Imbalance has also resulted from the prioritization of prediction over prevention. Evidence suggests that *unknown* sex offenders – those not on a sex offender registry – are responsible in nearly 96% of sexual offense convictions (Sandler, Freeman, & Socia, 2008). This notwithstanding, the legislative spotlight remains on the incapacitation or management of *known* (i.e., registered) sex offenders, and comparatively little attention is being paid to efforts that might deter offenses from occurring in the first place. Further, despite data suggesting that only a small percentage of sex crimes occur in public places (Colombino et al., 2009, 2011), policy efforts remain focused on keeping offenders away from child-dense community structures, such as parks and playgrounds. Although most offenses occur in the home, little effort has been directed at understanding ways in which public education campaigns or other interventions might help to prevent offenses in these locations.

The purpose of this paper is to explore the frequency and nature of sex crimes that occur in locations restricted by geographically based sex crime legislation, allowing for the critical evaluation of our current approaches to sex crime prevention. In this study, the authors review tertiary and primary sexual assault prevention strategies, present data examining victim–offender relationships and offense locations, and provide narrative summaries of actual sex crimes occurring in restricted locations to illustrate the findings. Following a discussion of the results, the authors conclude by discussing implications for policy and prevention.

Tertiary prevention and sexual violence

As noted, considerable research effort has been directed at identifying factors associated with increased rates of recidivism in known sex offenders. While rates of sexual recidivism are much lower than commonly assumed (approximately 13% over a 4- to 5-year follow-up period; Hanson & Bussière, 1998; Hanson & Morton-Bourgon, 2009), researchers have been able to identify factors associated with increased recidivism risk. Aggregating findings from 82 recidivism studies that collectively examined 29,450 sex offenders, Hanson and Morton-Bourgon (2004, 2005) found deviant sexual preference (e.g., penile plethysmograph results, sexual preoccupations) and antisocial orientation (e.g., Antisocial Personality Disorder diagnosis, high Psychopathy Checklist-Revised score) to be the most potent predictors of sexual recidivism. These and other factors found to predict sexual recidivism have been used in the construction of measures (e.g., Static-99; Hanson & Thornton, 2000; Minnesota Sex Offender Screening Tool-Revised [Mn-SOST-R], Epperson, Kaul, Huot, Hesselton, & Alexander, 2000) used by treatment providers and corrections staff to identify those sex offenders who pose the highest risk of recidivism. As noted, however, most new sex crimes are *not* committed by known sex offenders, thus limiting the extent to which these tools can impact the overall sexual violence problem.

Most currently enacted sex crime legislation seeks to deter known sex offenders from committing recidivistic acts of sexual violence. Community notification laws, which alert community members to registered sex offenders living in their neighborhood, operate under the assumption that safety will be enhanced if we know who the dangerous strangers are in our communities. Residence restrictions, which prevent offenders from living near child-dense community structures, such as schools, playgrounds, or parks, are based on the notion that these locations are the sites where sex offenders find their victims (Durling, 2006). Some jurisdictions have also passed "child safety zones" that prohibit registered sex offenders from loitering (rather than residing) within a certain distance of parks, playgrounds, or other child-dense areas (Calkins, Jeglic, Beattey, Zeidman, & Perillo, 2014). Sex offenders placed on GPS monitoring are tracked so that their movement in locations such as these is limited. Among the most misguided of current sex crime laws may be Halloween restrictions, which prohibit registered sex offenders from giving out candy or opening doors on Halloween. Chaffin, Levenson, Letourneau, and Stern (2009), who found no increase in sex crimes against children around Halloween, suggest that these policies seem to have their basis in the urban myth that warned against the danger of strangers giving out poisoned candy. Indeed, these sex crime laws all seem to originate from the "stranger danger" notion of sex offending. Given that most sex crimes are committed by people known to the victim (e.g., Colombino et al., 2009, 2011; Duwe et al., 2008; Greenfield, 1997; Smallbone & Wortley, 2000; Snyder, 2000), it is not surprising that evidence for these laws has been mixed, at best. At worst, evidence suggests that these laws may inadvertently serve to increase risk of recidivism (Hanson & Harris, 1998; Jeglic, Mercado, & Levenson, 2012; Jeglic, Spada, & Mercado, 2013; Lees & Tewksbury, 2006; Levenson & Cotter, 2005a, 2005b; Levenson & D'Amora, 2007; Levenson, D'Amora, & Hern, 2007; Levenson & Hern, 2007; Mercado, Alvarez, & Levenson, 2008; Prescott & Rockoff, 2008; Zevitz, 2006, 2000).

Notably, many of these policies use a one-size-fits-all approach that fails to appreciate the heterogeneity of sex offending (Douard & Janus, 2011; Janus, 2006; Mercado, Tallon, & Terry, 2008). As such, those having only adult victims are, for example, likely to be prohibited from living or loitering near to schools or parks. Given the broad brushstrokes application of these laws and their narrow focus on repeat stranger-perpetrated offenses, laws such as residence restrictions or community notification have had little impact upon rates of sex crimes and may, inadvertently, serve to heighten risk of recidivism by undermining offender re-entry and stability.

Primary prevention and sexual violence

Although resources have primarily been directed toward tertiary prevention, which focuses on preventing recidivism after a crime has occurred, there have been some efforts to engage in primary prevention and curb sex offending before it occurs. Early primary prevention efforts, which focus on helping victims to protect themselves, include school-based sexual educational programs that help children to identify sexual abuse and instill skills that will promote disclosure (DeGue et al., 2012; Finkelhor, 2009). First initiated during the 1980s, education-based programs often involve families, children, teachers, and other adults who work with youth (Lyles, Cohen, & Brown, 2009). The primary goals of these programs include helping children to identify potentially dangerous situations in which sexual abuse may occur, providing strategies to avoid abuse, and increasing the likelihood of abuse disclosure (Finkelhor, 2009). For example, the *Child Assault*

Prevention program (CAP), targeted toward elementary school children, uses hypothetical victimization scenarios to foster discussion about how to identify and disclose abuse if it occurs (Finkelhor, 2009). Binder and Mcniel (1987) found that children ages 5–12 who completed the CAP program displayed higher knowledge scores on abuse-related items compared to their scores prior to the workshop. *Talking about Touching*, a more broad education-based program, includes not only didactic segments about inappropriate touch but also teaches children safety skills related to cars, bikes, and fire. Using pre- and post-interviews after presentation of the *Talking about Touching* curriculum, Sylvester (1997) found improvement in safety knowledge and the application of safety skills. Further, Hébert, Lavoie, Piché, and Poitras (2001) found that, after completing the program, children were more apt to discuss abuse and prevention concepts with their parents. Although these programs have not yet been found to directly decrease the likelihood of victimization (Finkelhor, Asdigian, & Dziuba-Leatherman, 1995), they do appear to influence discussion about threatening situations and likelihood of disclosure.

Education-based school programs have, however, been criticized for putting responsibility on the victim (Wurtele, 2009). Since the early 2000s there has been a shift in sexual violence primary prevention efforts, with programs evolving to focus on perpetration prevention (DeGue et al., 2012; Renk, Liljequist, Steinberg, Bosco, & Phares, 2002). Most of these programs are conducted at the individual level, focusing on identifying individual-level characteristics that may pose risk for perpetration (e.g., alcohol and drug use, antisocial behavior), though risk factors at the relationship, community, and societal level are gaining increased attention. For example, The Texas Association Against Sexual Assault (n.d.), through the support of the Centers for Disease Control's (CDC's) Rape Prevention and Education (RPE) program, has instituted a statewide primary prevention initiative that, using a multilayered public health model approach to understanding sexual violence, aims to change the climate that allows sexual crimes to occur in the first place. DeGue et al. (2012) note that approaches that attempt to modify the characteristics of settings (such as schools or workplaces) that increase risk for perpetration appear promising. College campuses, for example, often implement sexual violence prevention programs that address rape myths and encourage bystanders to intervene before a sexual assault occurs (Banyard, Plante, & Moynihan, 2004), whereas other programs may seek to improve school climates or modify community policies. DeGue et al. (2012) note, however, that there is a "critical gap" in data on community level strategies, and that initiatives to target sexual violence at the societal level have also gained insufficient attention.

Although promising, there is limited empirical knowledge of the overall effectiveness of programs developed to reduce sexual violence at the primary prevention level. There are major gaps in our knowledge about primary prevention, particularly with regard to community-level and societal-level risk factors for violence (DeGue et al., 2012). So while there is broad agreement that primary prevention strategies can likely do more than tertiary strategies to curb sexual violence, the evidence base around primary prevention strategies for sexual violence is lacking. Sexual violence is, however, a complex phenomenon that involves the interaction of individual, social, cultural, economic, and societal factors (Australian Centre for the Study of Sexual Assault, 2012; World Health Organization, 2002). Given the multifaceted nature of the problem, measuring how change that occurs at multiple and interactive levels (i.e., individual, relationship, community, and societal) impact sexual violence can be challenging.

Sexual violence is a serious public health problem that has long-term consequences not just for victims, but also their families, their communities, and even for the offenders

themselves (Association for the Treatment of Sexual Abusers (ATSA), 2011). In the United States, sexual violence prevention efforts have been almost exclusively tertiary in focus, in the form of a criminal justice system response that aims to stop known offenders from re-offending. Much less focus has been on preventing sexual violence before it occurs. A public health approach that targets the conditions under which sexual violence occurs has the potential to have a much wider impact in reducing the overall incidence of sexual violence.

In order to calibrate the appropriate level of resource allocation between primary and tertiary prevention approaches, critical examination of the assumptions of current sex crime policy is warranted. Current policy seems, at least in part, rooted in the idea that sex offenders target children in child-dense community locations. Indeed, geographically based legislation (such as residence restrictions, child safety zones, and electronic monitoring) have at their core the presumption that these locations are ripe for sexual predation, and that keeping offenders away from these areas is an important tool in the arsenal of sexual violence prevention.

Study aims

The primary aim of the current study is to provide data on sex crimes that occur in child-dense places of the sort that are typically off-limits under residence restriction or other geographically based sex crime legislation. This study will examine offense location with respect to victim relationship (i.e., family, acquaintance, stranger) and victim age (i.e., minor versus adult). Additionally, a brief narrative summary will be provided about the subset of crimes that occurred in parks, schools, bus stops, and churches so as to provide a more contextualized account of the nature of sex crimes that occur in these restricted locations. It is hoped that empirical knowledge of the situational and social nature of the sexual offenses that occur in these place can be used to evaluate current sex crime policy and inform primary prevention programming.

Method

Participants

Data from the files of 1468 adult male having an index sex offense (i.e., the sex offense for which the offender was most recently incarcerated) and who were released from a New Jersey state prison between 1996 and 2007 were reviewed for use in this study. Offenders averaged 32 years at the time of the index offense (M = 32.25, *SD* = 11.68) and were African American (40.5%; *n* = 593), White (36.4%; *n* = 533), Latino (21.4%; *n* = 313), or of other/unknown race or ethnicity (1.7%; *n* = 26). Of the 1468 offenders included in this study, over three quarters (77.5%; *n* = 1137) had a child victim in the index offense (i.e., sex offense against a minor, age 17 or younger), while less than a quarter (22.5%; *n* = 331) had an adult victim in the index offense (i.e., sexual assault against a victim age 18 or older).

Procedure

Archival case files were coded by a team of trained research assistants. The data were obtained from information typically included in the file, including police reports, psychiatric and treatment evaluations, criminal history records, sentencing reports, prison

records, and intake and termination reports. Through various sources contained in the case files, detailed information surrounding the index sex offense was obtained, including victim–offender relationship, location of index sex crime, and nature of offense (e.g., child molestation, adult sexual assault). The situational aspects of the index sex offense were coded as occurring in a "public," "semi-public," or a "private" location. Public locations were operationally defined to include schools, bus stops, parks, day care centers, playgrounds, or, in other words, places that are "off-limits" under most geographically based sex offense laws. Movie theaters, restaurants, bars, and parking lots were also operationally defined as public locations. Semi-public locations were considered to be areas other than a private home that offer a degree of privacy, such as a motor vehicle, hotel room, or house party (occurring in a location other than the offender's, victim's, or an acquaintance's home). Private locations were defined as the offender's or victim's own home, a home shared by the offender and the victim, or a home of a relative or acquaintance of the offender or the victim. Notably, the location examined in this study is where the offender first "met" the victim, which is not necessarily where the sex offense occurred. It should also be noted that we use the term "met" loosely to mean where the offender first came into contact with their victim. Many of the offenses in this sample were perpetrated by family members or other relatives and in most of these cases the offender and the victim did not meet in the usual sense of the term, rather there was a longstanding relationship. In a small number of cases, however, a victim first met a step-family or family member in a public or semi-public cases (e.g., due to their having immigrated from another country or otherwise having been alienated from the family).

Results

The majority of offenders (both adult and minor) in this sample knew their victim prior to the offense. Over half of the sample (51.9%; $n = 762$) were acquainted with their victim (i.e., knew their victim for more than 24 hours prior to the offense; Hanson, 1997) and over a third had a familial relationship with their victim (33.9%; $n = 497$). A minority of offenders (14.2%; $n = 209$) had no prior relationship with the victim (i.e., knew their victim for less than 24 hours) at the time of the offense. The sample as a whole ($N = 1468$) most frequently met their victims in private settings ($n = 975$, 66.5%). Fewer offenders met their victims in public ($n = 344$, 23.5%) or semi-public locations ($n = 147$, 10.0%). Notably, offense location varied by offender type, x^2 (2, $N = 1466$) = 153.921, $p < .001$. Post hoc analyses revealed that offenders with minor victims were more likely to have met victims in private locations ($n = 848$, 74.7%), rather than a public ($n = 207$, 18.2%) or semi-public location ($n = 80$, 7.1%); whereas offenders with adult victims were more likely to have met victims in public locations ($n = 137$, 41.4%), rather than private ($n = 127$, 38.4%) or semi-public locations ($n = 67$, 20.2%).

Similarly, offense location varied by offender–victim relationship, x^2 (4, $N = 1468$) = 482.859, $p < .001$. Post hoc analyses revealed that offenders who victimized family members were more likely to "meet" their victim in a private location ($n = 486$, 97.8%) rather than a public ($n = 8$, 1.6%) or semi-public ($n = 3$, 0.6%) location. Those who were acquainted with their victim also most commonly encountered their victims in a private ($n = 447$, 58.8%) as compared to public ($n = 197$, 25.9%) or semi-public ($n = 116$, 15.3%) location. In contrast, those who victimized a stranger were most likely to have encountered their victim in a public ($n = 139$, 66.5%) rather than private ($n = 42$, 20.8%) or semi-public ($n = 28$, 13.4%) location.

Four per cent of the offenses in this sample ($n = 59$) occurred in a restricted location, that is, one typically prohibited by residence restriction (RR) or child safety zone (CSZ) laws. Of these 59 offenses, 78% ($n = 46$) involved a minor victim and 22% ($n = 13$) involved an adult victim. A significant association was found between victim–offender relationship and type of location x^2 (2, $N = 1468$) = 25.184, $p < .001$. Post hoc analyses indicated that acquaintance perpetrators were most likely to meet their victims in a restricted location ($n = 40$, 67.8%) compared to strangers ($n = 16$, 27.1%) or familial offenders ($n = 3$, 5.1%).

Further analyses were conducted to examine the situational aspects of the 59 cases (4%) where an offender first encountered their victim in a restricted child-dense location. Due to missing information, only 47 out of the 59 cases could be included for further examination. These 47 cases included schools ($n = 27$), parks ($n = 10$), churches ($n = 7$), and bus stops ($n = 3$). In 70% ($n = 33$) of the cases, offenders were acquainted with victims and in the remaining third ($n = 14$, 30%) the offender was a stranger to the victim (see Table 1). Of the 14 stranger offenses, half ($n = 7$) included adult victims and half ($n = 7$) included minor victims (see Table 2). Thus, of the 1456 cases for which there is complete data, only 7 offenses (less than half of 1%) were situations in which the offender targeted an unknown minor victim in a location typically restricted under residence restriction or child safety zone legislation. Further, of these seven offenses where an offender targeted a stranger child victim, four offenders had a child victim under the age of 13 (.03% of total cases), but only two of these offenders had been convicted of a prior sex crime.

Table 1. Child-dense locations by victim–offender relationship ($N = 47$).

	Victim–offender relationship			
	Acquaintance $n = 33$		Stranger $n = 14$	
Location	*N*	%	*N*	%
School	24	88.9	3	11.1
Park/playground	4	40.0	6	60.0
Church	5	71.4	2	28.6
Bus stop	0	0.0	3	100.0

Note: Due to small sample size, no statistical analyses were conducted.

Table 2. Child-dense locations by offender type ($N = 47$).

	Offender type			
	Child victim offender $n = 33$		Adult victim offender $n = 14$	
Location	*N*	%	*N*	%
School	20	74.1	7	25.9
Park/playground	7	70.0	3	30.0
Church	6	85.7	1	14.3
Bus stop	0	0.0	3	100.0

Note: Due to small sample size, no statistical analyses were conducted.

To provide a more contextualized account of the offenses in the 47 cases occurring in a restricted location, event details were examined. In the 27 cases where offenders first encountered their victim at a school, 24 (88.9%) were acquainted with the victim. For example, one offense included an offender who worked as a substitute teacher at the school where he met his teenage victim, a high school student, in his class. The victim and offender both alleged their sexual relationship was consensual. Another case involved an offender who attempted to sexually assault a female classmate at a school they both attended. A similar offense involved a high-school-aged offender who knew his middle-school-aged victim from the school they both attended and who coerced her to perform oral sex on him in a friend's home. In the remaining three (11.1%) cases that occurred in a school, the offender was unknown to the victim. In one case, a man fondled a 14-year-old female on the sidewalk outside of her school. In another case, an offender fondled two female teenagers on the grounds of their high school.

In offenses where the offender met the victim in a park, the offender tended to be a stranger to the victim (60.0%; $n = 6$), rather than an acquaintance (40.0%; $n = 4$). In each of the four cases where the offender was an acquaintance, the victim knew the offender from the park. For example, one offense involved a 16-year-old offender who fondled a juvenile female acquaintance while in the park. In another case, an offender in his twenties asked his two minor female acquaintances to come back to his home, where he then raped them. Cases involving strangers perpetrating offenses in a park tended to include more violence. For example, one offender met his 30-something female victim in the park, threatened her with a knife, and then took her to a nearby abandoned building where he raped her. Another case involved an offender with multiple prior offenses who fondled an 11-year-old boy in the park.

Of the seven cases where the offender first met his victim in a church, five (71.4%) were already acquainted with the victim and two (28.6%) were stranger offenses. In one case, a 20-something-year-old offender, who was employed by the church to help with childcare, fondled and forced oral sex upon some of the children under his care. In a similar case, a priest sexually assaulted minor victims he met through the church. Another offender, who was acquainted with his adolescent female victim through his church, took her to his car where he fondled and vaginally penetrated her. An example of a stranger offense involved an offender who was a bus driver for the church. He picked up his teenage male victim from the church and fondled him on the bus.

In each of the three offenses where an offender met his victim at a bus stop, the offenses were perpetrated against adults by strangers. For example, in one case an offender, while driving his car, saw a female in her twenties at a bus stop. He offered her a ride, and then once inside the car, kissed and fondled the victim. In a separate case, an offender met his adult female victim at a bus stop on the street. He then took her to a vacant lot where he sexually assaulted her. Similarly, an intoxicated offender encountered his 20-something-year-old female victim at a bus stop on the street. He threatened the victim with a gun and vaginally raped her.

Discussion

The goal of this study was to provide a more highly contextualized understanding of sex crimes that occur in areas typically restricted by sex crime legislation, such as schools, parks, churches, and bus stops. It is the hope of this study that such data will help not only in the critical evaluation of current sex crime policy, but also contribute to evaluation and decisions about the prioritization of tertiary and primary prevention initiatives. Offenders in this sample

met their victims in a restricted location less than 4% (59 out of 1468 case) of the time. Of the 59 offenses that occurred in these locations, 13 (22%) were perpetrated against adults and 46 (78%) were perpetrated against children, which is consistent with perpetration patterns found in the overall sample (78% of overall sample had a child victim and 22–23% of overall sample had an adult victim). This suggests that offenses that occur in restricted public locations do not disproportionately include child victims. Notably, the majority of the offenses that initiated in these locations were perpetrated by someone related to or already acquainted with the victim (72.9%), with just over a quarter (27.1%) of these cases involving a stranger. Only 0.5% (7/1456) of the offenses that took place in a restricted location were perpetrated by a stranger who did not know his minor victim. Further, of these seven offenses where a stranger targeted a minor victim, four of the offense involved a child victim under the age of 13 (0.3%) while the remaining three involved an adolescent victim aged 13 or older (0.2%). Notably, only two of those seven cases involved an offender with a prior conviction for a sex crime, which reflects the reality that most new sex crimes are not committed by known sex offenders (Sandler et al., 2008). The narrative examples highlight the heterogeneity of these cases. Even in those cases where a stranger perpetrated an offense in a restricted location, offense details show considerable variability in terms of victim age, level of violence, and modus operandi.

As shown by these data, sex crime legislation such as residence restrictions tend toward the exceptional (i.e., statistically rare) cases rather than the typical ways in which victims are sexually assaulted. With the benefit of a large sample size, we were able to identify an ample number of sex crimes that occurred in restricted public locations, though very few of these fit the prototype of the stranger predator who targets minor children in restricted locations. As such, policy measures that target offenses perpetrated by strangers in child-dense locations are likely to have very little impact in reducing the overall sexual violence problem.

These findings suggest the importance of changing the message of sexual violence prevention away from "stranger danger" and instead focusing on the places and situations in which sexual violence more typically occurs. The majority of sexual offenses are perpetrated by family members or acquaintances and, as these data show, even offenses occurring in child-dense public locations are most commonly perpetrated by people already acquainted with the victim. Data from this study shed light on the importance of a prevention model that focuses efforts on places where offenders regularly come into contact with or have access to victims, namely, the home. As Janus (2007) notes, a change in our approach to sexual violence prevention is necessary; rather than a narrow focus on preventing atypical crimes that occur in public places between strangers, this change should involve a more empirically based approach that aims to prevent the most common sorts of offenses.

While the structure and process of sex offender treatment, assessment, and legislation vary from state to state, the trend in the United States has been for enhanced confinement, supervision, and monitoring of this population (Cohen & Jeglic, 2007).

Indeed, the United States has implemented the most restrictive policies and there appear to be increasing attempts to replicate parts of it overseas. While still unsuccessful, there have been multiple attempts to enact an international version of Meagan's law (Guzder, 2009), as well as attempts by the European Union to create a centralized registry (Newburn, 2011). Evidence from this study suggests that the international community should exercise caution in following the model of sex offender policy in the United States as these data further demonstrate that stranger danger approaches fail to reduce rates of sexual violence in a meaningful way (see, e.g., Zgoba, Witt, Dalessandro, & Veysey, 2008).

There are a number of limitations to the current study. First, the broad operationalization of "acquaintances" includes anyone who is not a family member or a stranger. This

does not distinguish between an unmarried significant other or close friends and nameless neighbors. Some of these acquaintances will be far closer to being a family member while others could be considered strangers. Second, the study did not have data about which offenders were on a sex offender registry. Some of the offenders in this sample could have been subject to legislation that led them avoid restricted areas, artificially lowering the contact rates in these areas. Another limitation is that the sample only consists of convicted sex offenders. Because sexual offenses committed by strangers tend to be reported more than familial assaults, the results may be skewed toward the overrepresentation of stranger offenses. On the flipside, stranger offenses may make identification more difficult, which could skew toward the underrepresentation of stranger offenders in this data set. Finally, the study does not examine the physical or psychological harm inflicted upon the victim. Thus it is a study of prevalence and likelihood, and cannot address issues relating to severity and impact. After all, not all sexual assaults are the same. This study does, however, provide an examination of the nature of sex crimes that occur in locations typically restricted under residence restriction or other geographically based sex crime legislation, and therefore can inform policy development and our approach to the management of sex offenders.

There are many questions that remain to be answered by further research. For example, the association between contact/offense location and risk of injury/death merits attention. There is evidence to suggest that stranger sexual offenses are associated with greater levels of violence and physical force than nonstranger offenses (Stermac, Du Mont, & Kalemba, 1995; Woods & Porter, 2008), and this would imply that victims in stranger offenses are at greater risk of injury or death. Since our data show that strangers often meet their victims in public areas, stranger offenses may mediate an association between encounters in restricted areas and heightened risk of injury or death. Also, it will be critical for research to keep pace with new means of coming into contact with potential victims (e.g., social networking, email, texting). Indeed, because research suggests that relational proximity is more important than geographic proximity (Duwe et al., 2008), research that examines the social contours of digital encounters with victims is especially timely.

Because many sex offenders form a relationship with their victims, further research about how individuals become acquainted with their victims prior to offense is important. Additionally, given the importance of the situational context in offending (Smallbone, Marshall, & Wortley, 2008), attention should be given to how to reduce opportunities for offending in distinct (e.g., residential or public) settings. This sort of data would allow for the design of public education campaigns, offender interventions, or policy measures likely to have a more broad, population-level impact in preventing sexual violence.

Primary prevention strategies and funding should be prioritized. As noted, most new sex crimes are not perpetrated by individuals on a sex offender registry; as such, downstream approaches that focus on registered sex offenders will at best prevent a very small portion of the overall problem of sexual violence. Moreover, tertiary prevention strategies do not reduce the number of perpetrators or tackle the social mores that allow sexual violence to happen in the first place (DeGue et al., 2012). Primary prevention policies can have a broader impact to the extent that they aim to reduce rates of sexual violence at the population level rather than more narrowly focusing on preventing perpetrators from re-offending. A focus on preventing sex crimes before they occur more appropriately channels our efforts away from an expressive approach that seeks to stigmatize offenders to a preventive focus that aims to stop crimes before they occur. A shift toward primary prevention will reduce the many psychological and long-term consequences that victims

often endure many years after abuse (Widom, 1989, 1996, 1999; Widom & Ames, 1994; Widom, Weiler, & Cottler, 1999).

Primary prevention strategies that show promise include bystander intervention programs that seek to involve community members in deterring or reporting sexual violence, and these strategies are consistent with a move to address the multiple layers of the social ecology in which sexual violence occurs (DeGue et al., 2012). Societal values that permit violation of sexual boundaries and coercive behavior deserve attention. As well, rigorous evaluation of the systemic issues under which sexual violence flourishes, such as poverty, lack of education, economic insecurity, and poor health care, should be undertaken. Indeed, understanding sexual violence as a public health problem requires a paradigmatic shift, one that views sexual violence as a product of the broad social climate in which we live, and not simply as something perpetrated by strangers who lurk around school grounds or other child-dense areas.

Acknowledgment

The author would like to thank the New Jersey Department of Corrections and the New Jersey Department of Human Services for their support in providing access to data.

Funding

This project was supported by the National Institute of Justice, Office of Justice Programs, US Department of Justice [2007-IJ-CX-0037]. The opinions, findings, and conclusions or recommendations expressed in this publication are those of the authors and do not necessarily reflect those of the Department of Justice.

Notes on contributors

Cynthia Calkins is Associate Professor in the Department of Psychology at John Jay College. Her work focuses broadly on sexual offenders and sexual violence policy and prevention.

Niki Colombino is a PhD candidate in clinical psychology at the City University of New York Graduate Center and the John Jay College of Criminal Justice. She is interested in the situational aspects of sexual offending as they relate to policy and prevention.

Taiki Matsuura is a PhD candidate in clinical psychology at the City University of New York Graduate Center and the John Jay College of Criminal Justice. He is interested in the consequences of social stigma, labeling theory, and placebo effects.

Elizabeth Jeglic is a professor of psychology at the John Jay College of Criminal Justice. Her research interests include sexual offender treatment and sex offender policy.

References

Association for the Treatment of Sexual Abusers (ATSA). (2011). Sexual abuse as a public health problem. Retrieved from http://www.atsa.com/pdfs/Policy/SA_PublicHealthProblem.pdf

Banyard, V. L., Plante, E. G., & Moynihan, M. M. (2004). Bystander education: Bringing a broader community perspective to sexual violence prevention. *Journal of Community Psychology, 32*, 61–79. doi:10.1002/jcop.10078

Binder, R. L., & Mcniel, D. E. (1987). Evaluation of a school based sexual abuse prevention program: Cognitive and emotional effects. *Child Abuse & Neglect, 11*, 497–506. doi:10.1016/0145-2134(87)90075-5

Black, M. C., Basile, K. C., Breiding, M. J., Smith, S. G., Walters, M. L., Merrick, M. T., … Stevens, M. R. (2011). *The national intimate partner and sexual violence survey (NISVS): 2010*

summary report. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

Calkins, C., Jeglic, E., Beattey, R. A., Zeidman, S., & Perillo, A. (2014). Sexual violence legislation: A review of case law and empirical research. *Psychology, Public Policy, and Law, 20*, 443–462. doi:10.1037/law0000027

Chaffin, M., Levenson, J., Letourneau, E., & Stern, P. (2009). How safe are trick-or-treaters? An analysis of child sex crime rates on Halloween. *Sexual Abuse: A Journal of Research and Treatment, 21*, 363–374. doi:10.1177/1079063209340143

Cohen, M., & Jeglic, E. (2007). Sex offender legislation in the United States: What do we know? *International Journal of Offender Therapy and Comparative Criminology, 51*, 369–383. doi:10.1177/0306624X06296235

Colombino, N., Mercado, C. C., & Jeglic, E. L. (2009). Situational aspects of sexual offending: Implications for residence restriction laws. *Justice Research and Policy, 11*, 27–43. doi:10.3818/JRP.11.2009.27

Colombino, N., Mercado, C. C., Levenson, J., & Jeglic, E. (2011). Preventing sexual violence: Can examination of offense location inform sex crime policy? *International Journal of Law and Psychiatry, 34*, 160–167. doi:10.1016/j.ijlp.2011.04.002

DeGue, S., Holt, M. K., Massetti, G. M., Matjasko, J. L., Tharp, A. T., & Valle, L. A. (2012). Looking ahead toward community-level strategies to prevent sexual violence. *Journal of Women's Health, 21*, 1–3. doi:10.1089/jwh.2011.3263

Douard, J., & Janus, E. S. (2011). Beyond myth: Designing better sexual violence prevention. *International Journal of Law and Psychiatry, 34*, 135–140. doi:10.1016/j.ijlp.2011.05.001

Durling, C. (2006). Never going home: Does it make us safer? Does it make sense? Sex offenders, residence restrictions, and reforming risk management law. *The Journal of Criminal Law and Criminology, 97*, 317–363.

Duwe, G., Donnay, W., & Tewksbury, R. (2008). Does residential proximity matter? A geographic analysis of sex offense recidivism. *Criminal Justice and Behavior, 35*, 484–504. doi:10.1177/0093854807313690

Epperson, D. L., Kaul, J. D., Huot, S., Hesselton, D., & Alexander, W. (2000). *Minnesota Sex Offender Screening Tool-Revised (MnSOST-R)*. St. Paul, MN: Minnesota Department of Corrections.

Ewing, C. P. (2011). *Justice perverted: Sex offense law, psychology, and public policy*. New York, NY: Oxford University Press.

Finkelhor, D. (2009). The prevention of childhood sexual abuse. *Preventing Child Maltreatment, 19*, 1–26. Retrieved from The Future of Children http://futureofchildren.org/publications/journals/article/index.xml?journalid=71&articleid=516

Finkelhor, D., Asdigian, N., & Dziuba-Leatherman, J. (1995). The effectiveness of victimization prevention instruction: An evaluation of children's responses to actual threats and assaults. *Child Abuse and Neglect, 19*, 141–153. doi:10.1016/0145-2134(94)00112-8

Greenfield, L. (1997). *Sex offenses and offenders: An analysis of data on rape and sexual assault (NCJ-163392)*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Guzder, D. (2009). A move to register sex offenders globally. *Time Magazine*. Retrieved from: http://www.time.com/time/world/article/0,8599,1920911,00.html

Hanson, R. K. (1997). *The development of a brief actuarial risk scale for sexual offense recidivism* (User Report 1997-04). Ottawa, ON: Department of the Solicitor General of Canada.

Hanson, R. K., & Bussière, M. T. (1998). Predicting relapse: A meta-analysis of sexual offender recidivism studies. *Journal of Consulting and Clinical Psychology, 66*, 348–362. doi:10.1037/0022-006X.66.2.348

Hanson, R. K., & Harris, A. J. R. (1998). *Dynamic predictors of sexual recidivism* (User Report 1998-01). Ottawa: Department of the Solicitor General of Canada.

Hanson, R. K., & Morton-Bourgon, K. (2004). *Predictors of sexual recidivism: An updated meta-analysis* (User Report 2004-02). Ottawa: Public Safety and Emergency Preparedness Canada.

Hanson, R. K., & Morton-Bourgon, K. E. (2005). The characteristics of persistent sexual offenders: A meta-analysis of recidivism studies. *Journal of Consulting and Clinical Psychology, 73*, 1154–1163. doi:10.1037/0022-006X.73.6.1154

Hanson, R. K., & Morton-Bourgon, K. E. (2009). The accuracy of recidivism risk assessments for sexual offenders: A meta-analysis of 118 prediction studies. *Psychological Assessment, 21*, 1–21. doi:10.1037/a0014421

Hanson, R. K., & Thornton, D. (2000). Improving risk assessments for sex offenders: A comparison of three actuarial scales. *Law and Human Behavior, 24*, 119–136. doi:10.1023/A:1005482921333

Hébert, M., Lavoie, F., Piché, C., & Poitras, M. (2001). Proximate effects of a child sexual abuse prevention program in elementary school children. *Child Abuse and Neglect, 25*, 505–522. doi:10.1016/S0145-2134(01)00223-X

Janus, E. S. (2006). *Failure to protect: America's sexual predator laws and the rise of the preventive state*. Ithaca, NY: Cornell University Press.

Janus, E. S. (2007). "Don't think of a predator" – Changing frames for better sexual violence prevention. *Sex Offender Law Report, 8*, 81–96.

Jeglic, E. L., Mercado, C. C., & Levenson, J. S. (2012). The prevalence and correlates of depression and hopelessness among sex offenders subject to community notification and residence restriction legislation. *American Journal of Criminal Justice, 37*, 46–59. doi:10.1007/s12103-010-9096-9

Jeglic, E. L., Spada, A., & Mercado, C. C. (2013). An examination of suicide attempts among incarcerated sex offenders. *Sexual Abuse: A Journal of Research and Treatment, 25*, 21–40. doi:10.1177/1079063212447201

Lees, M., & Tewksbury, R. (2006). Understanding policy and programmatic issues regarding sex offender registries. *Corrections Today, 68*(1), 54.

Levenson, J. S., & Cotter, L. P. (2005a). The effect of Megan's Law on sex offender reintegration. *Journal of Contemporary Criminal Justice, 21*, 49–66.

Levenson, J. S., & Cotter, L. P. (2005b). The impact of sex offender residence restrictions: 1,000 feet from danger or one step from absurd? *International Journal of Offender Therapy and Comparative Criminology, 49*, 168–178.

Levenson, J. S., & D'Amora, D. A. (2007). Social policies designed to prevent sexual violence: The emperor's new clothes? *Criminal Justice Policy Review, 18*, 168–199. doi:10.1177/0887403406295309

Levenson, J. S., D'Amora, D. A., & Hern, A. L. (2007). Megan's law and its impact on community re-entry for sex offenders. *Behavioral Sciences & the Law, 25*, 587–602. doi:10.1002/bsl.770

Levenson, J. S., & Hern, A. L. (2007). Sex offender residence restrictions: Unintended consequences and community reentry. *Justice Research and Policy, 9*, 59–74. doi:10.3818/JRP.9.1.2007.59

Lyles, A., Cohen, L., & Brown, M. (2009). *Transforming communities to prevent child sexual abuse and exploitation: A primary prevention approach*. Oakland, CA: Prevention Institute. Retrieved from http://thrive.preventioninstitute.org/documents/MSFoundation_Childsexualabuseprx_FINAL_052609_000.pdf

Mercado, C. C., Alvarez, S. A., & Levenson, J. S. (2008). The impact of specialized sex offender legislation on community re-entry. *Sexual Abuse: A Journal of Research and Treatment, 20*, 188–205.

Mercado, C. C., Tallon, J. A., & Terry, K. J. (2008). Persistent sexual abusers in the Catholic Church: An examination of characteristics and offense patterns. *Criminal Justice and Behavior, 35*, 629–642. doi:10.1177/0093854808314389

Minnesota Department of Corrections. (2007). *Residential proximity and sexual offense recidivism in Minnesota*. St. Paul: Author.

Newburn, K. (2011). The prospect of an international sex offender registry: Why an international system modeled after United States sex offender laws in not an effective solution to stop child sexual abuse. *Wisconsin International Law Journal, 28*, 547–583.

Prescott, J. J., & Rockoff, J. E. (2008). *Do sex offender registration and notification laws affect criminal behavior?* (NBER Working Paper No. W13803). Retrieved from SSRN: http://ssrn.com/abstract=1100584

Renk, K., Liljequist, L., Steinberg, A., Bosco, G., & Phares, V. (2002). Prevention of child sexual abuse: Are we doing enough? *Trauma, Violence, & Abuse, 3*(1), 68–84. doi:10.1177/15248380020031004

Sandler, J. C., Freeman, N. J., & Socia, K. M. (2008). Does a watched pot boil? A time-series analysis of New York state's sex offender registration and notification law. *Psychology, Public Policy, and Law, 14*(4), 284–302. doi:10.1037/a0013881

Smallbone, S., Marshall, W. L., & Wortley, R. (2008). *Preventing child sexual abuse: Evidence, policy and practice*. Devon: Willan Publishing.

Smallbone, S. W., & Wortley, R. K. (2000). *Child sexual abuse in Queensland: Offender characteristics and modus operandi*. Brisbane: Queensland Crime Commission.

Snyder, H. N. (2000). *Sexual assault of young children as reported to law enforcement: Victim, incident, and offender characteristics* (A National Incident-Based Reporting System Statistical Report). Annapolis Junction, MD: Bureau of Justice Statistics. (ERIC Document Reproduction Service No. ED446834).

Stermac, L., Du Mont, J., & Kalemba, V. (1995). Comparisons of sexual assaults by stranger and known assailants in an urban population of women. *Canadian Medical Association Journal, 153*, 10891094.

Sylvester, L. 1997. Talking about touching: Personal safety curriculum. In *Preschool to Grade 3 Curriculum Evaluation Summary* (1996 ed.). Seattle, WA: Committee for Children.

Talking about Touching. *A personal safety curriculum*. Retrieved from the Committee for Children website: http://www.cfchildren.org/

Texas Association Against Sexual Assault. (n.d.). Preventing sexual violence in Texas: A primary prevention approach (2010-2018). Retrieved from www.taasa.org/prevention/pdfs/PreventingSexualViolenceinTexas.pdf

Widom, C. (1989). The cycle of violence. *Science, 244*, 160–166. doi:10.1126/science.2704995

Widom, C. S. (1996). Childhood sexual abuse and its criminal consequences. *Society, 33*, 47–53. doi:10.1007/BF02700307

Widom, C. S. (1999). Posttraumatic stress disorder in abused children all grown up. *American Journal of Psychiatry, 36*, 347–381.

Widom, C. S., & Ames, M. A. (1994). Criminal consequences of childhood sexual victimization. *Child Abuse & Neglect, 18*, 303–318. doi:10.1016/0145-2134(94)90033-7

Widom, C. S., Weiler, B. L., & Cottler, L. B. (1999). Childhood victimization and drug abuse: A comparison of prospective and retrospective findings. *Journal of Consulting and Clinical Psychology, 67*, 867–880. doi:10.1037/0022-006X.67.6.867

Woods, L., & Porter, L. (2008). Examining the relationship between sexual offenders and their victims: Interpersonal differences between stranger and non-stranger sexual offences. *Journal of Sexual Aggression, 14*, 61–75. doi:10.1080/13552600802056640

World Health Organization. (2002). *World report on violence and health: Summary*. Geneva: Author.

Wright, R. G. (2009). *Sex offender laws: Failed policies, new directions*. New York, NY: Springer.

Wurtele, S. (2009). Preventing sexual abuse of children in the twenty-first century: Preparing for challenges and opportunities. *Journal of Child Sexual Abuse, 18*, 1–18. doi:10.1080/10538710802584650

Zevitz, R. G. (2000). The impact of sex-offender community notification on probation/parole in Wisconsin. *International Journal of Offender Therapy and Comparative Criminology, 44*, 8–21. doi:10.1177/0306624X00441002

Zevitz, R. G. (2006). Sex offender community notification: Its role in recidivism and offender reintegration. *Criminal Justice Studies, 19*, 193–208. doi:10.1080/14786010600764567

Zgoba, K., Witt, P., Dalessandro, M., & Veysey, B. (2008). *Megan's law: Assessing the practical and monetary efficacy*. Washington, DC: National Institute of Justice.